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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,787	08/04/2003	David S. Benco	LUTZ 2 00231	6929
7590	11/07/2005		EXAMINER	
Richard J. Minnich Fay, Sharpe, Fagan, Minnich & McKee, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114			LE, DANH C	
			ART UNIT	PAPER NUMBER
			2683	
DATE MAILED: 11/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/633,787	BENCO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	DANH C. LE	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 01 September 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-10 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 and 5-7,12,13,17,18 is/are rejected.
- 7) Claim(s) 8-10,14-16,19 and 20 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**1. Claims 1-3, 5-7, 12, 13, 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanson (US 2003/0083067) in view of McGregor (US 2004/0097220).**

As to claim 1, Hanson teaches a method for monitoring a roaming charge rate on a mobile station (figure 2), the mobile station being associated with a wireless network and a subscriber to wireless services from a wireless service provider associated with the wireless network the method including the steps:

- a) while the mobile station is located in a current geographic area, determining if the mobile station is roaming;
- b) determining if a roaming charge will be incurred by the subscriber when using the mobile station in the current geographic area; and
- c) communicating a roaming charge rate associated with the roaming charge that would be incurred to the mobile station (paragraph 0057).

Hanson fails to teach a per-minute roaming charge rate is displayed on a display associated with the mobile station while the mobile station is located in the current geographic area. McGregor teaches the roaming charge rate is displayed on a display

associated with the mobile station while the mobile station is located in the current geographic area (paragraph 0179-0181 and abstract). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of McGregor into the system of Hanson in order to allow use conditions to be better determined.

As to claim 2, the combination of Hanson and McGregor teaches the method as set forth in claim 1, between steps a) and b), the method further including:

retrieving at least a portion of an existing service plan between the subscriber and the wireless service provider from a subscriber database (figure 2, 122).

As to claim 3, the combination of Hanson and McGregor teaches method as set forth in claim 2 wherein the retrieved portion includes a per-minute roaming charge rate associated with the current geographic area (paragraph 0048).

As to claim 5, the combination of Hanson and McGregor teaches method as set forth in claim 1 (figure 2), further including:

d) while the mobile station is located in a different geographic area, determining the mobile station is roaming; and  
e) repeating steps b) and c) for the different geographic area while the mobile station is powered up.

As to claim 6, the combination of Hanson and McGregor teaches method as set forth in claim 5 (figure 2), between steps a) and b), the method further including:

retrieving at least a portion of an existing service plan between the subscriber and the wireless service provider from a subscriber database.

As to claim 7, the combination of Hanson and McGregor teaches method as set forth in claim 6 wherein the retrieved portion includes a per-minute roaming charge rate associated with the current geographic area (McGregor paragraph 0179-0181).

As to claim 12, Hanson teaches the method for monitoring a per-minute roaming charge on a mobile station (figure 2), the mobile station being associated with a wireless network and a subscriber to wireless services from a wireless service provider associated with the wireless network, the method including the steps:

- a) while the mobile station is located in a current geographic area, determining the mobile station is roaming;
- b) retrieving at least a portion of an existing service plan between the subscriber and the wireless service provider from a subscriber database;
- c) determining a per-minute roaming charge will be incurred by the subscriber when using the mobile station in the current geographic area;
- d) communicating the per-minute roaming charge to the home MSC;
- e) while the mobile station is located in a different geographic area, determining the mobile station is roaming; and
- g) repeating steps b) - e) for the different geographic area while the mobile station is powered up.

Hanson fails to teach displaying the per-minute roaming charge on a display associated with the mobile station while the mobile station is located in the current geographic area. McGregor teaches displaying the per-minute roaming charge on a display associated with the mobile station while the mobile station is located in the

current geographic area (paragraph 0033). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of McGregor into the system of Hanson in order to allow use conditions to be better determined.

As to claim 13, the combination of Hanson and McGregor teaches the method as set forth in claim 12 wherein the retrieved portion includes a roaming charge rate associated with the current geographic area (McGregor paragraph 0028).

As to claim 17, the claim is a system claim of claim 12; therefore, the claim is interpreted and rejected as set forth as claim 12.

As to claim 18, the claim is a system claim of claim 13; therefore, the claim is interpreted and rejected as set forth as claim 13.

***Allowable Subject Matter***

Claims 8, 14 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claims 8, 14, 19, the combination of Hanson and McGregor either alone or in combine fails to teach providing a cue to a user associated with the mobile station indicating a new roaming charge rate is displayed on the mobile station.

***Allowable Subject Matter***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

danh

November 1, 2005  
DANH CONG LE  
PATENT EXAMINER